

II. General Remarks Concerning This Response

Claims 1-18 are currently pending in the present application. No claims have been amended, added, or canceled. Reconsideration of the claims is requested.

5 The PTO-326 form in the current Office action notes that the formal drawings that were filed on 01/18/2002 are acceptable, yet it also notes that there are draftsperson's objections on the PTO-948 form. In addition, the PTO-948 form refers to the informal drawings that were filed with the application. Thus, it is unclear whether the PTO-948 form may have been referring to the latter formal drawings or whether there are any objections to the formal drawings. Applicant confirmed with the examiner by telephone that the PTO-948 was associated with the originally filed informal drawings. In 10 addition, the Office action noted that page 2 of the formal drawings is missing in the PTO file wrapper, although Applicant has a return postcard to show that the drawing sheet was present when the formal drawings were filed. In response, Applicant will file a new set of formal drawings by mail 15 separately from this response, which is being filed by fax.

20 The current Office action contains an objection to the "Summary of the Invention" section of the specification as being a duplicate of the abstract, which was the intention of Applicant. MPEP § 608.01(d) only requires that the content of 25 the summary should be commensurate with the subject matter in the claims, which Applicant asserts as being the case in the present application. 37 CFR 1.73 states:

30 A brief summary of the invention indicating its nature and substance, which may include a statement of the object of the invention, should precede the detailed description. Such summary should, when set forth, be commensurate with the invention as claimed and any object recited should be that of the invention as claimed.

As noted in the objection, the summary may point out the advantages of the invention, but Applicant notes that this is done within the detailed description section of the specification. As there are no restrictions by the PTO that the summary must contain additional information that is not in the abstract nor that the summary and the abstract cannot be duplicated, Applicant declines to amend the summary.

5 Applicant notes that if the abstract is not adequate, then the examiner has the ability to amend the abstract upon allowance.

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III. Summary of Telephonic Interview

Applicant thanks Examiner Robinson for the telephonic interview of 10/08/2003. During this interview, Applicant argued against the rejections under 35 U.S.C. § 112. At the 15 time of the interview, the examiner did not agree to accept Applicant's arguments, which are formally presented hereinbelow. Moreover, Applicant did not agree with the examiner's repetition of the arguments against the claims as presented within the rejections. Applicant noted that minor 20 amendments to the claims would be considered if the examiner agreed that the claims would be allowable in light of the fact that there are no pending prior art rejections.

Alternatively, Applicant noted that minor amendments to the claims would be considered if the examiner agreed with 25 Applicant's assertion that the minor amendments to the claims would not require the examiner to adopt a new interpretation of the claims, thereby causing Applicant to lose one of Applicant's two considerations of the claims. Since the examiner disagreed with both of those requests, Applicant has 30 declined to amend the claims as requested.

IV. 35 U.S.C. § 112, ¶ 1

The Office action has rejected claims 1-18 under 35 U.S.C. § 112, ¶ 1, as failing to comply with the written description requirement. This rejection is traversed.

5 Quoting the entire rejection from the Office action, the rejection states:

10 Claims 1-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor(s), at the time the application was filed, has possession of the claimed invention.

15 Regarding the limitation "first database" and "second database" these terms are not used in the disclosure nor the drawings nor figure 5A. In the disclosure Applicant refers to a source database and a target database see page 15. Also, Applicant has not defined the limitation "set of dependencies". Applicant refers to the

20 dependencies among the tables at page 18 line 31 through page 19 line 7; but does not appear to refer to a set of dependencies or define what is meant by the term. The disclosure does not appear to describe how are the set of dependencies determined?

25 With respect to the objection to using the terms "first database" and "second database" in the claims whereas the specification uses the terms "source database" and "target database", Applicant notes that the adjectives "first" and "second" are terms that generically distinguish one entity from another entity. Applicant has merely replaced the adjectives "source" and "target" with the generic, broader adjectives of "first" and "second"; Applicant asserts that the terms are commonly used by patent practitioners. Applicant has not used the terms in an illogical manner; moreover, Applicant asserts that the examiner's argument defies common logic. More importantly, Applicant asserts that one having ordinary skill in the art would understand the broader

terminology. Thus, Applicant asserts that the claims adhere to the written description requirements of 35 U.S.C. § 112, ¶ 1, because Applicant has reasonably conveyed the claimed invention through the written description to one having ordinary skill in the art.

With respect to the objection to the use of the term "set of dependencies" whereas the specification uses the term "dependencies", Applicant notes that the generic phrase "set of" is a common English term that refers to a group or an association of one or more generic entities. Thus, the phrase "a set of dependencies" would be commonly interpreted by anyone as meaning "a plurality of dependencies" or "a group or an association of one or more dependencies". Given that the phrase "set of" is not a technical term and that Applicant has not used the phrase in a manner against common usage, Applicant asserts that one having ordinary skill in the art would easily comprehend the phrase "set of" and would apply the common interpretation of the phrase. Thus, Applicant asserts that the claims adhere to the written description requirements of 35 U.S.C. § 112, ¶ 1, because Applicant has reasonably conveyed the claimed invention through the written description to one having ordinary skill in the art. Given that the basis for the rejections under 35 U.S.C. § 112, ¶ 1, are unfounded, Applicant requests the withdrawal of the rejections.

v. 35 U.S.C. § 112, ¶ 2

The Office action has rejected claims 1-18 under 35 U.S.C. § 112, ¶ 2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is traversed.

Quoting the entire rejection from the Office action, the rejection states:

5 Claims 1-18 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claims 1, 7, and 13, the following limitation in the preamble is vague with respect to the elements in the body of the claim: "migrating data". Note Applicant refers to migrating data in the preamble, but does not describe migrating steps within the body of the claim.

10 15 Claims 1-18 are rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: the migration process implemented by database migratory 510 figure 5A.

20 25 Applicant notes that the phrase "migrating data" is common within the art for the concept of moving data that is stored in one location to another location. More importantly, the act of migrating data is described over multiple elements within the claims. For example, the third element of independent claim 1 reads data from a first database and the fourth element of claim 1 writes data to a second database, thereby moving, i.e. migrating, data from one database to another database. Applicant asserts that the claim language in the present application is sufficient to claim the process of migrating data.

30 35 Furthermore, Applicant may provide an example within an issued patent that the claim language of the present patent application is sufficient. For example, Applicant did a quick patent search 10/08/2003 and found the following patent: Abrams, U.S. Patent Number 6,151,608, "Method and system for migrating data", issued 11/21/2000 by the same examiner as the present patent application. Independent claim 1 of Abrams states:

1. An automated computer-implemented method for migrating source data from at least one source to at least one destination table of a database having a schema without a user having to write computer code, the method comprising the steps of:

5 defining patterns which describe format and content of the source data;

10 applying the patterns to the source data to create transformed data;

15 associating migration rules based on the schema with the patterns to generate a set of instructions that define migration paths; and

20 loading the transformed data in a sequence into the at least one destination table based on the set of instructions, the at least one destination table having a defined format and destination fields, wherein the step of loading is automatically sequenced based on the migration rules so that referential integrity is maintained.

25 Hence, Abrams also contains a claim to a "method for migrating" data in the preamble but does not use the verb "migrating" within the body of the claim. Moreover, although Abrams uses the term "migration" within the body of the claim, Abrams "does not describe migrating steps within the body of the claim" as is argued in the § 112, ¶ 2 rejection against the claims of the present patent application by the same examiner that examined and issued the claims in Abrams.
30 Applicant asserts that the claim language in the present patent application follows the same logical pattern as the issued claims in Abrams, and Applicant requests the withdrawal of the § 112, ¶ 2 rejection.

VI. Conclusion

It is respectfully urged that the present patent application is patentable, and Applicant kindly requests a Notice of Allowance.

5 For any other outstanding matters or issues, the examiner is urged to call or fax the below-listed telephone numbers to expedite the prosecution and examination of this application.

DATE: October 16, 2003 Respectfully submitted,

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